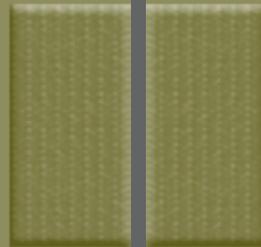


# AN INFORMATIVE GUIDE TO THE MARYLAND JUDICIAL SYSTEM

Courtroom



Courtroom



# Maryland Judiciary's Four-Tiered System

## District Court

The District Court of Maryland has 34 locations in 12 districts Statewide, with at least one judge presiding in each county and Baltimore City. There are no juries in the District Court; each case is heard and decided by a judge.

The District Court hears both civil and criminal cases. This Court has exclusive jurisdiction over peace order cases and landlord/tenant, replevin (recovery of goods claimed to be wrongfully taken or detained), and other civil cases involving amounts not exceeding \$5,000. The Court also handles motor vehicle/boating violations and other misdemeanors and limited felonies, although the Circuit Court shares jurisdiction if the penalties authorized are three years or more in prison, a fine of \$2,500 or more, or both. The District and Circuit Courts both can hear domestic violence cases.

### Trial Courts

The function of a trial court is to consider evidence in a case, and to make judgments based on the facts and underlying law and legal precedent. This may result in the awarding of monetary damages or other relief in a civil case, or the imposition of imprisonment or fines in a criminal case.

## Circuit Court

The Circuit Courts of Maryland, located in all 23 counties and Baltimore City, are the trial courts of general jurisdiction. Unlike the District Court, which operates under a unified system, the Circuit Courts historically have had greater autonomy and have been funded by the county or city.

Circuit Courts generally handle the State's major civil cases and more serious criminal matters, along with juvenile cases and most appeals from the District Court, orphans' courts, and administrative agencies. The Circuit Courts also can hear cases from the District Court (civil or criminal) in which one of the parties has requested a jury trial, under certain circumstances.

## Court of Special Appeals

The Court of Special Appeals is Maryland's intermediate appellate court. The Court of Special Appeals was created in 1966 in response to the rapidly-growing caseload in the Court of Appeals. The Court of Special Appeals originally could hear only criminal cases. However, its jurisdiction has expanded so that it now considers any reviewable judgment, decree, order, or other action of the circuit and orphans' courts, unless otherwise provided by law.

Judges sitting on the Court of Special Appeals generally hear and decide cases in panels of three. In some instances, however, all 13 judges may listen to a case, known as an '*en banc*' hearing.

### Appellate Courts

Appellate courts review a trial court's actions and decisions in given cases, and decide whether the trial judge properly followed the law and legal precedent. For jury trials, the appellate court may have to decide whether the jury's decision was proper, given the facts presented and the underlying law in the case. Generally, appellate courts do not decide which party won or lost a trial, nor do they conduct a new trial. Rather, they review the earlier trial and determine whether or not it was fair, according to the law.

## Court of Appeals

The Maryland Court of Appeals is the highest court in the State (commonly called the Supreme Court in other states and at the federal level). The Court of Appeals hears cases almost exclusively by way of *certiorari*, a process which gives the court discretion to decide which cases to hear. However, only the Court of Appeals may hear cases involving the death penalty, legislative redistricting, removal of certain officers, and certifications of questions of law.

The Chief Judge of the Court of Appeals, Robert M. Bell, sits on the Court along with six other judges. All seven judges hear oral arguments on each case unless a judge removes him/herself from a case; in this event, a judge from another court, or a retired appellate judge, may be specially assigned to sit in the place of the recused judge.

# Federal courts in Maryland

# Other adjudicatory bodies in Maryland

Just as state courts in Maryland are authorized by the Maryland Constitution, federal courts are authorized by the U.S. Constitution. This dual court structure is a distinguishing and innovative feature of the American judicial system.

The principal federal courts are the District Court, the Courts of Appeals and the Supreme Court. The U.S. Supreme Court is located in Washington, D.C., and is comprised of nine judges. There are 13 circuits for the U.S. Court of Appeals. Maryland is part of the 4th Circuit, which resides in Richmond, Virginia. The U.S. District Court has 89 branches throughout the 50 states. In Maryland, there is a U.S. District Court in Baltimore and in Greenbelt. In addition, other specialized courts such as Bankruptcy Court and Tax Court sit in Maryland.

At its simplest, federal courts deal with issues involving laws enacted by Congress, while state courts apply the laws of their state and local governments. Courts handle such diverse matters as contract disputes, personal injury actions, product liability cases, criminal prosecutions, divorces, child custody matters, and probate of estates. There are rules, sometimes complex, governing whether a matter will proceed in a state or federal court. For example, a case in which citizens of more than one state are involved may be brought in a federal court and, if brought in a state court, may be removed by one or more of the parties to federal court.

*More information on the Federal Judiciary is available on the U.S. Courts' website, [www.uscourts.gov](http://www.uscourts.gov).*

## **Orphans' Court**

Orphans' Courts handle wills, estates, and other probate matters. In addition, they have jurisdiction—along with the Circuit Courts—to appoint guardians of the persons, and to protect the estates, of unemancipated minors (minors who are subject to parental authority).

The Orphans' Courts' jurisdiction lies where neither a parent nor will appointee is serving as guardian. An appeal from an Orphans' Court generally may be to a Circuit Court, where the matter is tried *de novo* or 'as new' before a judge or jury, or to the Court of Special Appeals, where the matter is heard 'as is' or on the record.

## **Office of Administrative Hearings**

Authorized in 1989, the Office of Administrative Hearings listens to contested Executive Branch administrative law cases, except for those concerning officials or agencies exempted by law.

A citizen who disagrees with an action taken by such an agency may appear before an administrative law judge to obtain an impartial review. Administrative law judges are independent of the government agency whose action is being contested. Though based in the Baltimore area, these judges hear cases Statewide.

## **Maryland Tax Court**

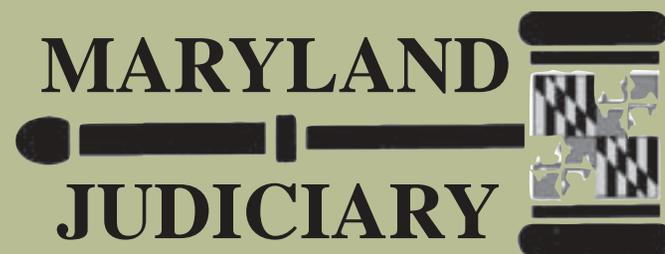
The Maryland Tax Court hears appeals from the final decisions of any State or local government agency authorized to make decisions about tax issues. In tax controversies, the Maryland Tax Court is the highest level of administrative review.

This administrative agency makes factual determinations and adjudicates disputes about income, sales and use, real and personal property, and other assessments. Appeals of Tax Court decisions may be made to a Circuit Court.

The Maryland Judiciary website has a *Frequently Asked Questions* page that covers such topics as:

Attorney Information	Jury Service
Bankruptcy	Landlord/Tenant Disputes
Birth/Death Certificates	Marriage Information
Child Support	Name Change
Complaints	Naturalization/Immigration
Court Fees	Notary Public
Courtroom Demeanor	Red Light Camera Program
Criminal History	Small Claims
Divorce	Statutory Rape/Sexual Consent
Domestic Violence	Traffic/Ticket Information
Expungement of Records	Wills/Probate

In addition, the website provides information on the Maryland Judiciary's many divisions and services.



### Court Information Office

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361 Rowe Blvd., Annapolis MD 21401  
410/260-1488

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**Maryland Judiciary website**  
**[www.courts.state.md.us](http://www.courts.state.md.us)**